

PRESENT:

Dr. Edgar V. Wallin, Chairman

Mr. J. Dale Patton, Vice-Chairman

Dr. William P. Brown

Mr. Russell J. Gulley

Mr. Reuben J. Waller, Jr.

Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

ALSO PRESENT:

Mr. Glenn Larson, Assistant Director,

Plans and Information Section, Planning Department

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Mr. Steven F. Haasch, Planning Manager,

Plans and Information Section, Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Plans and Information Section, Planning Department

Ms. Tara McGee, Assistant County Attorney,

County Attorney's Office

Ms. Jane Peterson, Planning and Special Projects Manager, Development Review Section, Planning Department

Mr. Robert Clay, Planning and Special Projects Manager,

Development Review Section, Planning Department

Ms. Darla Orr, Planning and Special Projects Manager,

Development Review Section, Planning Department

Mr. Ray Cash, Senior Planner,

Development Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner,

Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department

Mr. Jesse Smith, Director,

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Randy Phelps, Principal Engineer,

Utilities Department

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Providing a FIRST CHOICE community through excellence in public service

Firefighter Greg Smith, Fire and Life Safety,

Fire and EMS Department

Mr. Zach Mayo, Senior Planner,

Plans and Information Section, Planning Department

Ms. Meghan Coates, Budget Analyst,

Budget and Management Department

Dr. Cynthia Richardson, Planning Administrator,

Chesterfield County Public Schools

ASSEMBLY AND WORK SESSION.

Messrs. Wallin, Patton, Brown, Gulley and Waller and staff assembled at 1:30 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

Dr. Wallin advised the Commission he would like to move item #9 up to item #7. This will give the Commissioners time to review the fees and staff time to plug in additional variables to offer other scenarios.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to amend the agenda as follows:

- I. Call to Order.
- II. Requests to Postpone Action, Emergency Additions, and Changes in the Order of Presentation.
- III. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- IV. Review Day's Agenda. (Any items listed for the 6:00 p.m. Sessions.)
- V. Work Program Review and Update.
- VI. Planning Commission Follow-Up Items List.
- VII. (14PJ0140) Code Amendment Relative to Planning Department Fees for FY 2015.
- VIII. (14PJ0150) County Staff Presentation: Municipal Separate Storm Sewer Systems Permits.
- IX. (14PJ0153) Discussion Relative to General Assembly Changes to Preliminary Subdivision Plats.
- X. (14PJ0154) Discussion Regarding Communication Tower Setbacks and Small Cell Technology.
- XI. (14PJ0151) Planning Staff Presentation: Demographic & Population Trends
- XII. (14PJ0140) Code Amendment Relative to Planning Department Fees for FY 2015.
- XIII. Dinner Break.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

Mr. Turner introduced the summer interns; Heather Ashline, Fatmah Behbehani, Emily DeHoog, Kevin Kask and Amy Thurston.

III. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for July, August, September and October 2014.

IV. REVIEW DAY'S AGENDA.

Ms. Jane Peterson advised the Commission of the eight (8) cases for today's agenda.

V. WORK PROGRAM - REVIEW AND UPDATE. 🗈

There were no questions from the Commission relative to the work program.

VI. PLANNING COMMISSION FOLLOW-UP ITEMS LIST. 🗈

There were no questions from the Commission relative to the follow-up items list.

VII. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY 2015.

Mr. Glenn Larson presented an overview to the Commission highlighting different fee adjustment scenarios. The goal of the proposed fee adjustments is to generate an additional \$300,000 in revenue for the FY 2015 budget.

Mr. Larson noted Scenario A is what was presented to the Commission in May, Scenario B is what was advertised for the public hearing, Scenario C is a two-phased, two-year proposal that was presented in May and would achieve the budgeted revenue goal by FY 2016. Scenario D is based on discussion the Commission had in May involving staff costs that could potentially be recovered by fees.

In response to a question from Mr. Gulley relative to the authority of the Commission regarding fees, Ms. McGee advised the Commission only reviews those within the Planning Department because those fees are incorporated into the Zoning Ordinance. Mr. Gulley questioned taking the Planning Commission out of the mix regarding balancing the Board's budget by changing the ordinance that requires the Commission to recommend any proposed fee adjustments. Ms. McGee advised it is by State law that all matters of land use are to come before the Commission for recommendation to the Board, and that includes fees. Mr. Gulley requested a copy of the State law be included in the next packet.

Dr. Brown stated it is clear to him that the Commission has to make a recommendation on fees as it is State law.

Mr. Patton advised he feels Mr. Larson and staff are in a better position to make recommendations for fee adjustments. He does not like the fact that the Commission has to "back in" to reach the \$300,000 revenue goal and he does not like such an approach.

Dr. Brown and Mr. Patton stated they are comfortable with Scenario A as it does not increase fees for applications used mainly by small business or property owners. Mr. Larson stated Scenario A is as staff presented it to the Commission in May.

In response to a question from Dr. Wallin relative to scenarios where there is a 10% increase factored for fees related to small business and property owners, Mr. Larson responded that Scenario C and D do show the 10% increase for small business and property owners. Mr. Larson explained that there are relatively few of these types of applications.

Dr. Wallin advised the Commission they need to reflect carefully on their recommendation, and offer one that they feel is good policy for Chesterfield County. The dialogue is about the appropriate policy decision and how the Commission can help the Board in future circumstances.

Mr. Waller stated when Mr. Larson comes back at the end of the session with additional options; he will have some questions about subsequent submittal fees.

Mr. Patton suggested adding a sunset clause to the new scenarios.

VIII. (14PJ0150) COUNTY STAFF PRESENTATION: MUNICIPAL SEPARATE STORM SEWER SYSTEMS PERMIT.

Mr. Scott Smedley presented an overview to the Commission on the Municipal Separate Storm Sewer System (MS4) permit explaining the new requirements in the permit related to the Chesapeake Bay TMDL and the projected cost to be compliant over the next fifteen (15) years.

In response to a question from Mr. Gulley relative to a monitoring system for industrial dumpsters, Mr. Smedley responded that inspectors visit sites at random and respond to complaint calls concerning runoff. There are requirements in the new permit that require more monitoring of outfalls. The water quality, watershed and stream monitoring program is setup in a rotational process where stations throughout the county are monitored and inspected. The new permit has requirements that encompass more stringent monitoring and maintenance. BMP maintenance and storm water infrastructure will be contracted out, as this will be more cost effective. Staff is required to inspect fifty (50) miles of storm sewer system per year. Another new requirement is wet weather monitoring.

The Chesapeake Bay Total Maximum Daily Load (TMDL) is a multi-million dollar project mandated by the Environmental Protection Agency and is being pushed through the State mandated permit system. There are new BMP regulations that the county will be taking over July 1, 2014. In the past staff looked at the impervious area, now staff is required to look at how much nitrogen, phosphorus and total suspended solids are coming off the entire site. Last year staff started developing a compliance plan by evaluating all compliance options for meeting the Chesapeake Bay TMDL. The most cost effective options are stream restoration, the Falling Creek Reservoir dredging restoration project and BMP retrofits, which converts dry detention facilities into wet ponds.

In response to a question from Dr. Wallin relative to stream restoration activities, Mr. Smedley stated activities include bank stabilization, restoring vegetation along the bank that will help filter nutrients and restoring the natural grade of the channel.

Mr. Smedley stated the cost of the Chesapeake Bay TMDL compliance plan is about \$177M over a fifteen (15) year period. The first five (5) years is estimated to cost \$9.6 million, the second five years \$55M and the last cycle about \$105M. A Stormwater Service District Tax is recommended for Chesterfield County because of the large amount of pervious areas. The average charge to single family homes would be \$33 per year and the proposed revenue would fund the CIP.

In response to a question from Mr. Patton relative to the impact area Mr. Smedley advised it would affect the entire county.

In response to a question from Mr. Waller relative to single family detached lots, Mr. Smedley responded it will be more advantageous for the developer to create a low impact development or to preserve as many trees as possible.

In response to a request from Dr. Brown relative to county impaired streams, Mr. Smedley advised he will send that list to the Commission.

IX. (14PJ0153) DISCUSSION RELATIVE TO GENERAL ASSEMBLY CHANGES TO PRELIMINARY SUBDIVISION PLATS.

Mr. Ray Cash presented an overview to the Commission regarding State code changes relative to preliminary plats for subdivisions. The change in State law provides that a locality can require a mandatory submission of a preliminary subdivision plat for plats involving more than fifty (50) lots, provided that the submission of a preliminary subdivision plat involving fifty (50) or fewer lots is at the option of the landowner. Mr. Cash outlined some of the effects of the code change which include: change to ability for public input in development process, current ordinance provides that property with pending preliminary plats be posted to notify the public of pending development and provides for input from the public as well as ability of aggrieved persons to request a change of review venue to the Commission for a more public review process; certain land development issues are now moved to construction plan process which is more detailed; could have an impact on water quality improvements, utility sizing, arterial road accesses, road networks and potential overall land yield. Mr. Cash also stated that an additional concern was the impact on mandatory utility connections for residential development as required by the Comprehensive Plan. Current ordinance ties the connection requirement to the preliminary plat approval. As a result of this change an ordinance amendment will be considered by the Board in June to address this impact. To address the change in State code staff will prepare amendments for discussion at a future work session.

In response to a question from Mr. Gulley relative to potential negative impacts, Mr. Cash responded that impacts could include utility sizing and connections, access to arterials, possible fewer viable road connections and other items which could affect lot yield of the proposed development and of other surrounding properties.

Mr. Turner stated he is concerned about the effect on public participation due to the lack of sign posting or ability of Planning Commission to review proposals.

In response to a question from Mr. Gulley relative to notifying the public about this change, Mr. Turner responded he is concerned about bringing construction plans to Planning Commission.

X. (14PJ0154) DISCUSSION REGARDING COMMUNICATION TOWER SETBACKS AND SMALL CELL TECHNOLOGY.

Mr. Robert Clay presented an overview of tower setbacks, noting the Ordinance establishes these setbacks from property boundaries while the Tower Siting Policy provides for additional setbacks based on fall-zones and location of existing off-site dwellings. He indicated that Mr. Gulley had expressed an interest in the Commission revisiting Policy setbacks to consider vacant properties anticipated for residential development.

- Mr. Gulley stated his concern is specific to proposed tower locations adjacent to properties anticipated for infill residential development and not rural areas.
- Mr. Patton clarified that this is based on an aesthetic issue, not a safety issue.

In response to a question from Mr. Gulley relative to when staff could present the Commission with options, Mr. Clay indicated the work session for the August 2014 Planning Commission meeting.

- Mr. Clay then presented information regarding Small Cell Technology and its use in improving and increasing existing tower capacity. The current zoning ordinance does not include a separate reference to small cell units therefore these units are subject to the same zoning regulations as towers. The Commission may want to consider amendments to the Ordinance to separately address these units.
- Mr. Patton stated he hopes the Commission will facilitate carriers in the use of small cell technology.
- Mr. Gulley advised he needs more information to make a determination.
- Mr. Waller agreed that additional information was needed and requested an opportunity for industry experts to attend a future work session.
- Dr. Wallin requested Mr. Clay provide the Commission with more information and to ask industry representatives to present information on Small Cell Technology at the September work session.

XI. (14PJ0151) PLANNING STAFF PRESENTATION: DEMOGRAPHIC & POPULATION TRENDS.

Mr. Zach Mayo presented an overview to the Commission on demographics and population trends in Chesterfield County. The Commission asked several questions regarding specific aspects of the county's population. In response to the Commission, staff will provide further information regarding 1) the definition of workforce; and 2) projections of household size.

XII. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY2015.

Mr. Glenn Larson presented some additional fee scenarios based on Commission suggestions. He increased all small business and property owner fees by 10% in selected scenarios. There was general discussion regarding the amount of a deferral fee if the deferral was requested by the Commission or the applicant.

XIII. DINNER BREAK.

There being no further business to discuss, the Commission recessed the Afternoon Session at 4:45 p.m. agreeing to meet in the Executive Meeting Room for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. <u>CALL TO ORDER.</u>

II. INVOCATION.

Dr. Wallin presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agendas for July, August and September 2014.

V. APPROVAL OF PLANNING COMMISSION MINUTES.

May 22, 2014 Minutes.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to approve the May 22, 2014 Planning Commission minutes.

AYES: Messrs. Wallin, Patton, Brown, and Waller.

ABSTAIN: Mr. Gulley.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

- <u>DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONER –</u>
 <u>CONDITIONAL USE; CONDITIONAL USE PLANNED DEVELOPMENTS; AND REZONING.</u>
- A. 14SN0559*: (AMENDED) In Bermuda Magisterial District, Carrie E. Coyner, Trustee requests conditional use to permit operations plus conditional use planned development for an exception to bonding requirements and amendment of zoning district map in a General Industrial (I-2) District on 333.7 acres located in the northeast corner of Ashton Park Drive and Ruffin Mill Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 813-639-Part of 2566.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 14SN0559 by Mr. Patton to the September 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0559 to the September 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

B. 14SN0565: In Bermuda Magisterial District, Emerson-Roper Companies LLC requests rezoning from Agricultural (A) to Community Business (C-3) and amendment of zoning district map on 1.5 acres lying 210 feet off the north line of East Hundred Road, 645 feet east of Rivers Bend Boulevard. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax IDs 816-652-Parts of 0562, 1560 and 2559.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 14SN0565 by Mr. Patton to the September 16, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0565 to the September 16, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

H. 14SN0579: In Bermuda Magisterial District, Trine Properties LLC requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and screening of

mechanical equipment and amendment of zoning district map in a Community Business (C-3) District on 6.1 acres fronting 225 feet on the south line of Iron Bridge Road, 240 feet west of Branders Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax IDs 777-653-2931, 2949 and 4107.

Ms. Carrie Coyner, the applicant's representative, accepted deferral of Case 14SN0579 by Mr. Patton to the July 22, 2014 Planning Commission public hearing.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Brown the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0579 to the July 22, 2014 Planning Commission public hearing.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• <u>CONSENT ITEMS - CASES WHERE THE APPLICANT ACCEPTS STAFF'S</u> RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.

C. 14SN0573: In Matoaca Magisterial District, Landing Development Corporation requests amendment of zoning (Case 05SN0193) relative to density, cash proffers, road improvements and recreational facilities and amendment of zoning district map in a Residential (R-25) District on 59.1 acres located in the southeast corner of Crown Point and Woolridge Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax IDs 717-681-3039, 6767 and 8129; 717-682-6832; 718-681-3676; and 718-682-3148.

Mr. Larry Horton, the applicant's representative accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0573 subject to the six (6) proffered conditions:

PROFFERED CONDITIONS

With the approval of this request, Proffered Condition 12 of Case 05SN0193 would be deleted and Proffered Conditions 4, 11, 15 and 17 of Case 05SN0193 would be amended as outlined below. All other conditions of Case 05SN0193 shall remain in full force and effect.

The Applicant amends Proffered Condition 4 of Case 05SN0193 to read as follows:

1. A maximum of 61 lots shall be permitted.

The Applicant amends Proffered Condition 11 of Case 05SN0193 to read as follows:

2. Cash Proffers.

- A. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property; provided, however, that the period through June 30, 2017, the applicant sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection but before the certificate of occupancy is issued:
 - i. \$18,966.00 per dwelling unit, if paid prior to July 1, 2017; or
 - ii. If paid after June 30, 2017, and before July 1, 2018, \$18,966.00 per dwelling unit, adjusted for the four year cumulative change in the Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and July 1 four years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- B. In the event the cash payment is not used for which proffered within 15 years of receipt the cash shall be returned in full to the payer.
- C. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward but not to be in addition to any impact fees in a manner determined by the County.
- D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

The Applicant amends Proffered Condition 15 of Case 05SN0193 to read as follows:

- 3. To provide an adequate roadway system, the developer shall provide the following improvements with initial development of the property:
 - a. Construction of additional pavement along Woolridge Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - b. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right of way (or easements) required for the improvements identified above.

The Applicant amends Proffered Condition 17 of Case 05SN0193 to read as follows:

4. Recreational facilities shall be limited to a walking path, picnic area, pavilion and pier which would permit observation and launching of personal watercraft such as canoes, kayaks and paddle boats. A maximum of two (2) storage structures for personal watercraft such as canoes, kayaks and paddle boats shall be permitted.

The Applicant offers the following additional proffered condition:

5. <u>Architecture/Design Elements</u>.

A. Front Walks/Driveways:

- 1. A minimum of a four (4) foot wide hardscaped front walk shall be provided from the driveway to each dwelling unit.
- 2. All portions of driveways and parking areas shall be hardscaped.

B. <u>Landscaping and Yards</u>.

- Supplemental Trees: Prior to the issuance of a Certificate of Occupancy for each dwelling unit, a minimum of one (1) deciduous tree shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4' 10" above ground).
- 2. <u>Front Yards</u>: Except for the foundation planting bed, all front yards shall be sodded.
- 3. <u>Front Foundation Planting Beds</u>: Foundation planting is required along the entire front facade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs and may also include spreading groundcovers.

C. Architecture and Materials.

- 1. <u>Repetition</u>: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.
- 2. <u>Exterior Facades</u>: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and approved horizontal lap siding. Horizontal lap siding may be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:

- Where a dwelling borders more than one street, all street-facing facades shall be finished in the same materials.
- Cementitious and vinyl siding is permitted.
 Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044".
- Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
- D. <u>Roof Material</u>: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.
- E. <u>Porches, Stoops and Decks</u>.
 - 1. Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
 - Front Porch Flooring: Porch flooring may be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not acceptable. All front steps shall be masonry to match the foundation.
- F. <u>Front Loaded Garages:</u> Front loaded garages shall be located no closer to the street than the front facade of the dwelling unit.
- 6. A twenty (20) foot buffer, exclusive of easements and required yards, shall be provided adjacent to Crown Point Rd from the western terminus of the thirty (30) foot wide tree preservation strip (Condition 9 of Case 05SN0193). This buffer shall be provided in accordance with Zoning Ordinance requirements and shall be supplemented with plantings as necessary to comply with one (1) times Landscape C.

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

E. <u>14SN0578</u>: In Midlothian Magisterial District, **St. Ives LC** requests amendment of zoning (Case 05SN0329) relative to architectural standards, garage setbacks, cash proffers, timbering, age restriction and road improvements and amendment of zoning district map in a Residential (R-12) District on 50.7 acres fronting the northern terminus of North Otterdale Road, north of Paddle

Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwelling per acre). Tax ID's 717-714-5888; 718-713-4861; and 718-714-0248.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comments.

Homeowners Brandi Nickols and Randy Coil would like to have the Corps of Engineers complete a second wetlands delineation on the property to determine if wetlands were overlooked. Currently their yards flood when it rains and this new development could exacerbate their problem; therefore they requested a deferral of the case until the scope of the wetlands can be determined.

Mr. Scott Smedley advised that the Corps of Engineers feel a mistake was made at the time it was originally surveyed and EE will not issue a land disturbance permit until the findings of their second delineation are concluded. The case can still go forward pending these findings.

Mr. Scherzer advised there is a valid permit but the Corps of Engineers would like to look at the land again concerning wetlands. If wetlands are determined to exist, appropriate measures will be taken by the developer to address them.

Messrs. Gulley and Waller advised they support moving forward with the case as it stands with assurances from EE that they will not issue a land disturbance permit until the Corps issue is resolved.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0578.

Mr. Waller withdrew his motion and Mr. Gulley withdrew his second due to the proffered conditions being left off the motion.

On motion of Mr. Waller, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 14SN0578, subject to the proffered conditions:

PROFFERED CONDITIONS

With the approval of this request, Proffered Conditions 10, 11 and 16 of Case 05SN0329 shall be deleted and Proffered Conditions 4, 9, 12, 13, 15 and 17 shall be amended as outlined below. All other conditions of Case 05SN0329 shall remain in force and effect.

The Applicant amends Proffered Condition 4 of Case 05SN0329 to read as follows:

1. <u>Foundations</u>: The exposed portion of any foundation shall be brick or stone. Synthetic or natural stucco foundations may be permitted for façades constructed entirely of stucco. Rear walkout basement walls may be sided or cast concrete painted to match house.

The Applicant amends Proffered Condition 9 of Case 05SN0329 to read as follows:

2. Front Loaded Garages: Front loaded attached garages shall be permitted to extend as far forward from the front line of the main dwelling as the front line of the front porch provided that the rooflines of the porch and garage are contiguous. Where the rooflines are not contiguous, garages shall be permitted to project a maximum of two (2) feet forward of the front line of the main dwelling.

The Applicant amends Proffered Condition 12 of Case 05SN0329 to read as follows:

- 3. <u>Cash Proffer</u>: The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a certificate of occupancy for infrastructure improvements within the service district for the property; provided however that for the period through June 30, 2018, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, immediately after completion of the final inspection:
 - i. \$11,262.00 per dwelling unit, if paid prior to July 1, 2018. Or, if paid after June 30, 2018, and before July 1, 2019, \$11,262.00 per dwelling unit, adjusted for the four year cumulative change in the Marshall and Swift Building Cost Index between July 1 of the fiscal year in which the case was approved and July 1 four years later. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year. At time of payment \$11,262.00 will be allocated pro-rata among the facility costs as follows: \$1,198.00 for parks and recreation, \$310.00 for library facilities, \$9,073.00 for schools and \$681.00 for fire stations:
 - ii. If payment is made after June 30, 2019, the amount approved by the Board of Supervisors not to exceed \$11,262.00 per dwelling unit pro-rated as set forth in Proffered Condition 8.A.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 20018, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2019.
 - B. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt the cash shall be returned in full to the payer.
 - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property,

the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)

The Applicant amends Proffered Condition 13 of Case 05SN0329 to read as follows:

4. <u>Timbering</u>: Timber management, for the purpose of enhancing the health and viability of the forest, under the supervision of a qualified forester, will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/Wetland Restrictions, and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit. (EE)

The Applicant amends Proffered Condition 15 of Case 05SN0329 to read as follows:

- 5. <u>Road Improvements</u>: The following road improvements shall be substantially complete, as determined by the Transportation Department, prior to the issuance of a certificate of occupancy. State acceptance of these improvements shall be achieved within two years of recordation of the initial section unless determined otherwise by the Director of Environmental Engineering.
 - A. Construction of additional pavement along North Otterdale Road Extended at the approved access to provide right and left turn lanes;
 - B. Construction of two (2) lanes of North Otterdale Road Extended, to VDOT Urban Collector Standards (40 mph) with modifications approved by the Transportation Department, from its current terminus in Rosemont just north of the property to its current terminus in Brookcreek Crossing just south of the property, approximately 850 feet;
 - C. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way or easements, required for these improvements.

The Applicant amends Proffered Condition 17 of Case 05SN0329 to read as follows:

- 6. Architectural/Design Elements.
 - A. Front Walks:
 - 1. A minimum of a four (4) foot wide hardscaped front walk shall be provided to each dwelling unit.
 - B. Landscaping and Yards
 - 1. <u>Supplemental Trees</u>: Prior to the issuance of a Certificate of Occupancy for each dwelling unit, a minimum of one (1) flowering tree

- shall be planted in each front yard. At the time of planting, these supplemental trees shall have a minimum caliper of 2" measured at breast height (4' 10" above ground).
- 2. <u>Front Yards</u>: Except for the foundation planting bed, all front yards shall be sodded.
- 3. Front Foundation Planting Beds: Foundation planting is required along the entire front façade of all units, and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4' wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs and may also include spreading groundcovers.

C. Architecture and Materials

- Repetition: Dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. This requirement does not apply to units on different streets backing up to each other.
- 2. <u>Exterior Facades</u>: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and approved horizontal lap siding. Horizontal lap siding may be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:
 - a. Where a dwelling borders more than one street, all street-facing facades shall be finished in the same materials.
 - b. Cementitious and vinyl siding is permitted in traditional wide beaded styles only, unless otherwise approved by the Architectural Board for special design conditions. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .044".
 - c. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
- D. <u>Roof Material</u>: Roofing material shall be dimensional architectural shingles or better with a minimum 30 year warranty.

E. Porches, Stoops and Decks

1. <u>Front Porches</u>: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or

- metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns.
- Front Porch Flooring: Porch flooring may be concrete, exposed aggregate concrete or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. Unfinished treated wood decking is not acceptable. All front steps shall be masonry to match the foundation.

The Applicant offers the following additional proffered conditions:

7. Limitations on Timing of Construction Activity

A. Permitted Hours For Construction:

- 1. Construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday; 7:00 a.m. to 6:00 p.m. on Saturday; and 8:00 a.m. to 5:00 p.m. on Sunday. For the purpose of this condition, construction activity shall be considered land clearing; grading; installation of infrastructure (such as roads, utilities and storm drainage); and construction of a dwelling on a vacant lot.
- 2. This condition is not intended to restrict the hours of home construction (such as with additions or alterations) once a dwelling is occupied as a residence.
- 3. Prior to commencing any construction activity, these restrictions shall be posted in English and Spanish on a 2' X 2' sign that is clearly legible from the public right of way at the entrance into the development. Such sign shall be maintained by the developer and shall remain until all construction activity is complete.
- B. Written Notification Prior To Commencing Construction:

Prior to any construction activity, the Developer shall notify all adjacent property owners in writing of the anticipated date construction activity will commence.

C. Evidence of Performance:

Prior to the issuance of a land disturbance permit, the Developer shall provide written confirmation to the Environmental Engineering Department that the sign posting(s) and written notifications have occurred as required by this condition. (P & EE).

8. <u>Landscape Strip</u>: A ten (10) foot wide landscape strip shall be provided adjacent to Tax IDs: 718-713-8700, 8807, 9014, 9022, 9031, 9238 and 9446. Plantings shall conform to Exhibit A prepared by Balzer and Associates and dated June 6, 2014, or as otherwise approved by the Chesterfield County Planning Department at the time of building permit review. Evergreen plantings shall have a minimum height of six (6) feet at time of planting. Deciduous trees shall have a minimum height of nine (9) feet at time of planting. All

plantings within this landscape strip shall be installed on each individual lot prior to the issuance of final occupancy for a dwelling on such lot. (P)

AYES: Messrs. Wallin, Patton, Brown, Gulley and Waller.

• <u>REZONING, CONDITIONAL USE AND CONDITIONAL USE PLANNED DEVELOPMENTS – OTHER.</u>

- D. 14SN0567: In Bermuda Magisterial District, Rivers Bend Medical Office III LLC requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and amendment of zoning district map in a Neighborhood Business (C-2) District on 1.4 acre known as 300 West Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Office use. Tax ID 812-653-2407.
 - Mr. Ryan Ramsey presented an overview and staff's recommendation for denial noting that the project currently has a freestanding identification sign on West Hundred Road; the proposed second project sign is larger in area and height than permitted by Ordinance; Ordinance sign standards are adequate for identification; and approval could encourage sign proliferation.
 - Ms. Carrie Coyner, the applicant's representative, stated the proposed sign would assist in identifying the occupants of multi-tenant buildings; that sign standards along wider corridors with higher traveling speeds should be reexamined; and that she was agreeable to reducing the sign height to fifteen (15) feet.
 - Dr. Wallin opened the floor for public comment.
 - Mr. Bob Olsen stated that the request for a non-compliant sign should be denied.
 - Mr. George Emerson stated the signs are not big enough to read and the businesses need proper signage to be successful.

There being no one else to speak, Dr. Wallin closed the public hearing.

- Mr. Patton advised he looks at the signs on a site by site basis. This sign is for informational purposes; the applicant has agreed to reduce the sign height; the proposed square footage would allow space for individual tenant names; and he supports this case.
- Dr. Brown stated he feels what the applicant is requesting is reasonable as the tenants in the second building need signage.
- Mr. Gulley advised he can support an additional directory sign inside the project. He does not feel signs need to reflect tenant names legible at high rates of travel speed, but street addresses should be legible. He indicated that it was site design flaws that limited tenant exposure from corridor and that the second sign should comply with the ordinance requirements.
- Dr. Wallin was not convinced a larger sign would improve the visibility of tenant names.
- Mr. Waller stated signage should promote the project names rather the tenants; he sees merits for the second sign in compliance with Ordinance size limitations.

On motion of Mr. Patton, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0567 subject to the proffered condition:

PROFFERED CONDITION

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 812-653-2407 ("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those CASE MANAGER: Ryan Ramsey CPC Time Remaining: 100 days conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

Master Plan. The Textual Statement dated May 20, 2014 shall be considered the Master Plan. (P)

(STAFF NOTE: All previous conditions of zoning approved in Case 87SN080 shall remain in full force and effect.)

AYES: Messrs. Patton, Brown and Waller.

NAYES: Messrs. Wallin and Gulley.

The Commission agreed to consider Cases 14SN0575 and 14SN0576 under one public hearing.

- E. 14SN0575: In Bermuda Magisterial District, Enon Land Company, LLC requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and amendment of zoning district map in a Community Business (C-3) District on 4.2 acres known as 241 East Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 815-652-7510.
- **F.**14SN0576: In Bermuda Magisterial District, Enon Land Company II LLC requests conditional use planned development to permit exceptions to ordinance requirements relative to signage and amendment of zoning district map in a General Business (C-5) Districts on 2 acres known as 200 East Hundred Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 814-652-8334.
 - Mr. Robert Clay presented an overview of these cases to the Commission and staff's recommendations for denial noting the proposed project sign in each case is larger in area and height than permitted by Ordinance; that Ordinance sign standards are adequate for identification; and that approval could encourage sign proliferation.

Ms. Carrie Coyner, the applicant's representative, advised she agrees to reduce the proposed height of each requested sign to fifteen (15) feet and notes signage is essential to the success of the local home-grown businesses.

Mr. Patton stated he feels the street address is important to be prominent for these businesses and verified the address does not count as square footage of the sign.

In response to a question from Mr. Waller, Ms. Coyner stated not all of the businesses could fit on each respective sign. The tenants in the back of the building would be the choice to highlight on the sign.

Mr. Bob Olsen expressed opposition to the additional sign area noting businesses have an opportunity to use banners and building-mounted signage.

Mr. George Emerson stated he feels the signs are necessary to help the small businesses be successful.

Mr. Patton advised the applicant has agreed to the fifteen (15) foot height and has requested a twelve (12) square foot exception to the overall size and he supports the case.

Dr. Brown advised he will support both cases.

Dr. Wallin advised he cannot support this case as the extra twelve (12) square feet will not significantly change the legibility of the sign.

On motion of Mr. Patton seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0575 subject to the proffered condition:

PROFFERED CONDITION

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 815-652-7510 ("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

Master Plan. The Textual Statement dated May 21, 2014 shall be considered the Master Plan. (P)

AYES: Messrs. Patton, Brown, and Waller.

NAYS: Messrs. Wallin and Gulley.

On motion of Mr. Patton seconded by Dr. Brown, the Commission resolved to recommend approval of Case 14SN0576 subject to the proffered condition:

PROFFERED CONDITION

The Applicant in this case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property known as Chesterfield County Tax Identification Number 814-652-8334 ("the Property") under consideration will be developed according to the following amended proffers if, and only if, the request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the owner and Applicant, the proffer shall immediately be null and void and of no further force or effect.

Master Plan. The Textual Statement dated May 20, 2014 shall be considered the Master Plan. (P)

AYES: Messrs. Patton, Brown, and Waller.

NAYS: Messrs. Wallin and Gulley.

I. (14PJ0140) CODE AMENDMENT RELATIVE TO PLANNING DEPARTMENT FEES FOR FY 2015.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-25 of the Zoning Ordinance and Section 17-9 of the Subdivision Ordinance relating to Planning Department fees. The proposed changes are explained in the tables below. Further, the proposed changes provide that the fee for a single application submitted for fees shown in Tables 1, 2 and 3 will not exceed \$150,000, which is a 200% increase from the current provision that such fees not exceed \$50,000. After the public hearing, the Planning Commission may recommend changes in the proposed amendments, which could range from recommending no change in the current fee schedules to recommending that all fees be changed in accordance with the proposed amendments, or any combination of fees in between these two positions. The legal authority for enactment of these fees, levies, increases and/or reductions includes the County Charter and Va. Code § 15.2-2286 (A) (6) & §15.2-2241 (A) (9). Except as described herein, no other new, increased or reduced fees are proposed with this amendment.

Mr. Glenn Larson presented an overview to the Commission relative to the proposed fee adjustment options for FY 2015. He noted the \$701,000 in development review related revenue, as adopted by the Board, is \$300,000 more than what can be realized by current Planning Department fees. In advertising the proposed fee adjustments, the rates that were set, are in general 50% higher than what was originally presented at the May 2014 work session. This was done to allow for flexibility in discussing and recommending fee adjustments.

Mr. Craig Toalson, Mr. Andy Scherzer, Mr. Mitchell Bodie, Mr. Kevin McKnowlty and Mr. Bob Schaffer do not support the fee increase and feel it will be detrimental to the housing industry.

Mr. Bob Olsen wants to see the fees cover the application review cost that they generate.

Dr. Wallin closed the public hearing.

In response to a question from Dr. Brown relative to the fee structure in June 2012 and Scenario A, Mr. Larson advised adjustments were made to accomplish a number of goals and lessen impacts on small business.

Mr. Waller stated the fee request is strictly a revenue generator by the Board which requires the Commission to find an extra \$300,000 in fees.

In response to a question from Mr. Patton relative to the fees charged in 2012, Mr. Turner advised that fee schedule from 2012 would generate more fees that what is being requested by the Board. If the fees had not been cut, they would have generated more fees that what is in Scenario A. Even if you were to give the small business discounted fees, the amount of fees generated would be more than enough to satisfy the amount we are being asked to secure, which is the \$300,000 amount.

Mr. Larson advised the suggested changes Dr. Brown mentioned for Scenario A would be no more than a plus or minus 2% deviation from staff's projection.

Mr. Waller stated he feels the Commission and the County need to be transparent and at this time there is not enough information for him to feel comfortable to vote.

Mr. Patton stated the development community has been hit with many fees and he does not recommend increasing the fees but is comfortable going back to the fees collected in 2012.

Mr. Gulley advised he is not prepared to vote on the fees at this session.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer action on the subject of fee increases to the July 22, 2014 Planning Commission 2:00 p.m. work session and a vote will be taken at the 6:00 p.m. public hearing.

AYES: Messrs. Wallin, Patton, Gulley and Waller.

NAYS: Dr. Brown.

XI. <u>CITIZEN COMMENT ON UNSCHEDULED MATTERS.</u>

There were no citizen comments on unscheduled matters.

XII. <u>ADJOURNMENT</u>.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Waller that the meeting adjourned at 8:50 p.m. to Tuesday, July 22, 2014 at 2:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES:	Messrs. Wallin, Patt	Messrs. Wallin, Patton, Brown, Gulley and Waller.		
OI : //F				
Chairman/D)ate	Secretary/Date		